

No. 16-1584

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD,)

Petitioner,)

v.)

ONE SUSTAINABLE METHOD RECYCLING,)
LLC,)

Respondent.)

FILED
Sep 14, 2016
DEBORAH S. HUNT, ClerkJ U D G M E N T

Before: BATCHELDER, MOORE, and DONALD, Circuit Judges.

The National Labor Relations Board applies for summary entry of a judgment enforcing its December 14, 2015 Order in Case No. 15-CA-147008 against Respondent One Sustainable Method Recycling, LLC. Respondent has not served on the Board or filed with the court an answer to the Board's application. "If the respondent fails to answer in time," as it did in this case, "the court will enter judgment for the relief requested." Fed. R. App. P. 15(b)(2). Respondent's failure to file an answer in this proceeding entitles the Board to summary enforcement of its order.

It is ORDERED and ADJUDGED that the Board's Order in Case No. 15-CA-147008 is hereby ENFORCED, and One Sustainable Method Recycling, LLC, its officers, agents, successors, and assigns, shall abide by and perform the directions of the Board set forth in its order. (See Attached Order and Appendix).

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The mandate will issue forthwith.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", is written above a horizontal line.

Deborah S. Hunt, Clerk

NATIONAL LABOR RELATIONS BOARD

v.

ONE SUSTAINABLE METHOD RECYCLING, LLC

ORDER

One Sustainable Method Recycling, LLC, Little Rock, Arkansas and Louisville, Kentucky, its officers, agents, successors, and assigns, shall

1. Cease and desist from
 - (a) Telling employees that they can quit if they do not like the Respondent's policies and procedures.
 - (b) Prohibiting its employees from taking pictures at its facility because the Respondent believes they are engaging in protected concerted activities.
 - (c) Threatening its employees with arrest or termination because the Respondent believes they are engaging in protected concerted activities.
 - (d) Causing employees to quit by threatening them with property damage, arrest, and termination if they do not cease engaging in protected concerted activities.
 - (e) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) Within 14 days from the date of this Order, offer David Kollmann full reinstatement to his former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to his seniority or any other rights or privileges previously enjoyed.
 - (b) Make Kollmann whole for any loss of earnings and other benefits suffered as a result of its unlawful conduct, in the manner set forth in the remedy section of this decision.
 - (c) Compensate Kollmann for the adverse tax consequences, if any, of receiving a lump-sum backpay award, and file a report with the Social Security Administration allocating the backpay award to the appropriate calendar quarters.
 - (d) Within 14 days from the date of this Order, remove from its files any and all reference to the unlawful discharge of Kollmann and, within 3

days thereafter, notify him in writing that this has been done and that its unlawful conduct will not be used against him in any way.

- (e) Preserve and, within 14 days of a request, or such additional time as the Regional Director may allow for good cause shown, provide at a reasonable place designated by the Board or its agents, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of such records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order.
- (f) Within 14 days after service by the Region, post at its facilities in Little Rock, Arkansas and Louisville, Kentucky copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 15, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facilities involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since October 21, 2014.
- (g) Within 21 days after service by the Region, file with the Regional Director for Region 15 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX

NOTICE TO EMPLOYEES

**POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES
COURT OF APPEALS ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT tell employees that they can quit if they do not like our policies and procedures.

WE WILL NOT prohibit employees from taking pictures at our facility because we believe that they are engaging in protected concerted activities.

WE WILL NOT threaten employees with arrest or termination because we believe they are engaging in protected concerted activities.

WE WILL NOT cause employees to quit by threatening them with property damage, arrest, and termination if they do not cease engaging in protected concerted activities.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL, within 14 days from the date of the Board's Order, offer David Kollmann full reinstatement to his former job or, if that job no longer exists, to a substantially equivalent position, without prejudice to his seniority or any other rights or privileges previously enjoyed.

WE WILL make David Kollmann whole for any loss of earnings and other benefits resulting from our unlawful conduct, plus interest.

WE WILL compensate Kollmann for the adverse tax consequences, if any, of receiving a lump-sum backpay award, and WE WILL file a report with the Social

Security Administration allocating the backpay award to the appropriate calendar quarters.

WE WILL, within 14 days from the date of the Board's Order, remove from our files any reference to the unlawful discharge of Kollmann, and WE WILL, within 3 days thereafter, notify him in writing that this has been done and that our unlawful conduct will not be used against him in any way.

ONE SUSTAINABLE METHOD RECYCLING, LLC

The Board's decision can be found at www.nlr.gov/case/15-CA-147008 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.



**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

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Filed: September 14, 2016

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Re: Case No. 16-1584, *NLRB v. One Sustainable Method*
Originating Case No. : 15-CA-147008

Dear Counsel and Ms. Mitchell,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Louise Schwarber
Case Manager
Direct Dial No. 513-564-7015

Enclosure

Mandate to issue